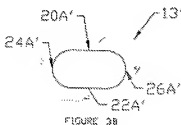


REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment after Final are respectfully requested. Claims 20-24, 28, 31, 32, 36 and 42 are currently pending. Claims 22, 31 and 42 are independent.

In the proposed amendment, independent claims 20 and 31 have been amended to recite a stent that comprises at least one strut, such strut having “a substantially flat top circumferential side and a substantially flat bottom circumferential side, said top and bottom circumferential sides being joined together through a continuously curved left side and a continuously curved right side.” Also, independent claim 42 has been amended to recite a stent that comprises at least one strut, such strut having “a substantially flat top side and a substantially flat bottom side that is substantially parallel to the top side, said top side and bottom side being joined together through a smooth rounded left side and a smooth rounded right side.”

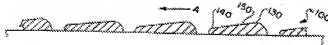
As amended in the proposed amendment, independent claims 22, 31 and 42 read on the embodiment of the invention shown in Applicant’s Figure 3B, which is reproduced below:



The proposed amendments are minor in nature, do not raise any new issues, would not require any further searching and merely clarify the claimed subject matter. Additionally, the proposed amendment addresses issues raised by the examiner in the final office action. Accordingly, entry of this proposed amendment, reconsideration and allowance of the claims is respectfully requested.

35 U.S.C. §102(b) Rejection

Claims 20-23, 28, 31 and 42 stand rejected as being anticipated by United States Patent No. 5,108,471 (Sawyer). Sawyer describes a helical stent that has an “airfoil” on its inner surface for increasing the velocity of blood flow through the stent. In the Office Action, the Examiner specifically referred to Sawyer’s Figure 2, which is reproduced below.



Sawyer clearly does not describe or even suggest any stent formed of a strut that has top and bottom sides that are “substantially parallel” to each other as recited in independent claims 20, 31 and 42. Rather, Sawyer describes a stent that is formed of a helical strip that is cut and configured that that, in cross section, no portion of the helix has top and bottom sides that are substantially parallel. Applicant submits that, if Sawyer’s top and bottom sides *were* made to be substantially parallel, they would no longer function as an “airfoil” in the manner described in Sawyer’s specification. Thus, there would be no motivation to make such a modification to the Sawyer stent as such would destroy its intended “airfoil” effect.

Additionally, Applicant respectfully submits that Sawyer does not fairly describe or suggest any stent made of a strut that has “continuously curved” or “smooth rounded” sides as recited in Applicant’s amended claims. In fact, even in the embodiment shown in Sawyer’s Figure 2, the cross sectional configuration of the helical member has left and right sides that form a sharp corner at their junction with the bottom side.

Thus, for these reasons and others not specifically articulated here, amended independent claims 20, 31 and 42 (and all claims depending directly or indirectly therefrom) are believed to be patently distinguishable over Sawyer.

35 U.S.C. §103 Rejections

Also in the office action, dependent claim 24 was rejected as being obvious over Sawyer in view of United States Patent No. 5,104,404 (Wolff). Wolff was relied upon solely for teaching of the fusing of two stents together as recited in dependent claim. Because the subject matter of parent claim 22 is patentable over Sawyer for at least the reasons stated above, dependent claim 24 is also patentable irrespective of the addition of the Wolff reference.

Additionally, dependent claim 32 was rejected as being obvious over Sawyer alone. Dependent claim 32 is allowable for at least the same reasons stated above with respect to independent claim 31.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1746.

Respectfully submitted,

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